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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,866

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Jin Katagiri

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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,866	Applicant(s) KATAGIRI ET AL.	
	Examiner LE NGUYEN	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/29/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 12/10/07.
2. Claims 1-13 are pending in this application; and, claims 1, 10 and 12 are independent claims. Claims 1, 4, 10 and 12 have been amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite: the plurality of items of content of multiple data formats includes: “(a) items of content of data formats not compatible with the data reproducing equipment registered in association with the user, and (b) items of content of data formats not compatible with the data reproducing equipment registered in association with the user”. It is unclear what is meant by this recitation since applicant’s intention could have been to claim only one type of data format or that the plurality of items of content of multiple data formats includes items of content of data formats compatible with the data reproducing equipment registered in

association with the user and items of content of data formats not compatible with the data reproducing equipment registered in association with the user or other alternatives.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13 are rejected under 35 U.S.C. 102(2) as being anticipated by Kunii (US 2001/0056375 A1).

As per claim 1, Kunii teaches an information supplying method comprising a registration step of causing a user to select a product and model names of data reproducing equipment from among a plurality of product and model names, particular data reproducing equipment to be used by the user and registering the particular data reproducing equipment, selected by the user in association with the user (figs. 4 and 8; paragraphs [0062] and [0069]; registration information of client/user related musical information include a reproducing equipment of a type such as a keyboard, stringed instrument, wind instrument or percussion instrument and their respective model), a step of, following user registration of a data reproducing equipment, discriminatingly/selectively searching from a plurality of items of content of multiple data

formats for particular content of a format compatible with the data reproducing equipment registered by the registration step in association with the user, the plurality of items of content include items of content of data formats not compatible with the data reproducing equipment registered in association with the user and items of content of data formats compatible with the data reproducing equipment registered in association with the user (paragraphs [0041], [0062], [0068-0069] and [0071]; registration information of client/user related musical information include a reproducing equipment of a type such as a keyboard, stringed instrument, wind instrument or percussion instrument and include desired music piece(s) and completion of training includes records of music pieces practiced and completed wherein the musical information may be of any data format including a MDI format; moreover, the registered reproducing equipment being currently used may be affixed to other information such as desired music piece(s) and a step of selectively supplying the user with content displaying information indicative of the particular content of the data format compatible with the data reproducing equipment registered by the registration step and searched out by the step of searching (fig. 7; paragraph [0060]).

As per claim 2, Kunii teaches an information supplying method wherein the content displaying information is information fused for reference by the user in designating desired content deliverable via a communication network, i.e. the content or information displayed is information used for reference by the user in choosing/designating desired content deliverable via a communication network (fig. 7; paragraph [0060]).

As per claim 3, Kunii teaches an information supplying method wherein said step of registering is capable of registering a plurality of pieces of data reproducing equipment for each user (paragraphs [0050], [0062] and [0069]), and said step of searching searches for content usable only in particular data reproducing equipment currently set in a search mode from among a plurality of pieces of data reproducing equipment registered in association with the user (paragraphs [0041], [0062], [0068-0069] and [0071]).

As per claim 4, Kunii teaches an information supplying method wherein said step of searching includes a step of setting a desired one of the plurality of pieces of data reproducing equipment, registered in association with the user, in the search mode in response to a selection by the user (figs. 4 and 8; paragraphs [0041], [0062], [0068-0069] and [0071]).

As per claim 5, Kunii teaches an information supplying method wherein said step of setting includes a step of causing the user to select the desired one of the plurality of pieces of data reproducing equipment, registered in association with the user, via a display terminal of the user (fig. 4; paragraphs [0062] and [0069]).

As per claim 6, Kunii teaches an information supplying method wherein said step of supplying presents, on a display terminal of the user, the content displaying information indicative of the searched out content (fig. 7; paragraph [0060]).

As per claim 7, Kunii teaches an information supplying method comprises a step of allowing the user to make a selection for receiving a part or whole of content

corresponding to the content displaying information supplied by said step of supplying (fig. 7; paragraph [0060]).

As per claim 8, Kunii teaches an information supplying method wherein said step of searching is carried out in response to a request made by a particular user (fig. 7; paragraphs [0062] and [0068]).

As per claim 9, Kunii teaches an information supplying method wherein a server apparatus for supplying information and a client terminal for receiving supplied information are interconnectable via a communication network, and said method is performed by using at least one of a computer of said server apparatus and a computer of said client terminal (fig. 1).

Claims 10 and 12 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 11 and 13 are individually similar in scope to claim 9 and are therefore rejected under similar rationale.

Response to Arguments

8. Applicant's argument with respect to claim 1 has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito et al. (US 6,020,884) teach an information retrieval system and information retrieval method using network.

Hayman (US 4,204,636) teaches an interface between data reading wand and cash register display.

Taruguchi et al. (US 2002/0049896 A1) teach a method and device for storing main information with associated additional information incorporated therein.

Tamura (US 20020029683 A1) teaches a method of controlling tone generating drivers by integrating driver on OS.

Hotta (US 5,420,374) teaches an electronic musical instrument having data compatibility among different class models.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN
Patent Examiner
April 9, 2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174